

104TH CONGRESS
1ST SESSION

H. R. 2170

To authorize the establishment of the Woodrow Wilson Memorial Bridge Authority, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 1995

Mr. MORAN (for himself, Mr. WYNN, Mr. WOLF, Mrs. MORELLA, Mr. DAVIS, Ms. NORTON, and Mr. HOYER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the establishment of the Woodrow Wilson Memorial Bridge Authority, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Woodrow Wilson Me-
5 morial Bridge Act of 1995”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) traffic congestion imposes serious economic
2 burdens on the metropolitan Washington, D.C.,
3 area, costing each commuter an estimated \$1,000
4 per year;

5 (2) the volume of traffic in the metropolitan
6 Washington, D.C., area is expected to increase by
7 more than 70 percent between 1990 and 2020;

8 (3) the deterioration of the Woodrow Wilson
9 Memorial Bridge and the growing population of the
10 metropolitan Washington, D.C., area contribute sig-
11 nificantly to traffic congestion;

12 (4) the Bridge serves as a vital link in the
13 Interstate System and in the Northeast corridor;

14 (5) identifying alternative methods for main-
15 taining this vital link of the Interstate System is
16 critical to addressing the traffic congestion of the
17 area;

18 (6) the Bridge is—

19 (A) the only drawbridge in the metropoli-
20 tan Washington, D.C., area on the Interstate
21 System;

22 (B) the only segment of the Capital Belt-
23 way with only 6 lanes; and

1 (C) the only segment of the Capital Belt-
2 way with a remaining expected life of less than
3 10 years;

4 (7) the Bridge is the only part of the Interstate
5 System owned by the Federal Government;

6 (8)(A) the Bridge was constructed by the Fed-
7 eral Government;

8 (B) prior to the date of enactment of this Act,
9 the Federal Government has contributed 100 per-
10 cent of the cost of building and rehabilitating the
11 Bridge; and

12 (C) the Federal Government has a continuing
13 responsibility to fund future costs associated with
14 the upgrading of the Interstate Route 95 crossing,
15 including the rehabilitation and reconstruction of the
16 Bridge;

17 (9) the Woodrow Wilson Bridge Coordination
18 Committee, established by the Federal Highway Ad-
19 ministration and comprised of representatives of
20 Federal, State, and local governments, is undertak-
21 ing planning studies pertaining to the Bridge, con-
22 sistent with the National Environmental Policy Act
23 of 1969 (42 U.S.C. 4321 et seq.) and other applica-
24 ble Federal laws;

1 (10) the transfer of ownership of the Bridge to
2 a regional entity under the terms and conditions de-
3 scribed in this Act would foster regional transpor-
4 tation planning efforts to identify solutions to the
5 growing problem of traffic congestion on and around
6 the Bridge;

7 (11) any material change to the Bridge must
8 take into account the interests of nearby commu-
9 nities, the commuting public, Federal, State, and
10 local government organizations, and other affected
11 groups; and

12 (12) a commission of congressional, State, and
13 local officials and transportation representatives has
14 recommended to the Secretary of Transportation
15 that the Bridge be transferred to an independent au-
16 thority to be established by the Capital Region juris-
17 dictions.

18 **SEC. 3. PURPOSES.**

19 The purposes of this Act are—

20 (1) to grant consent to the Commonwealth of
21 Virginia, the State of Maryland, and the District of
22 Columbia to establish the Woodrow Wilson Memorial
23 Bridge Authority;

24 (2) to authorize the transfer of ownership of the
25 Woodrow Wilson Memorial Bridge to the Authority

1 for the purposes of owning, constructing, maintain-
2 ing, and operating a bridge or tunnel or a bridge
3 and tunnel project across the Potomac River; and

4 (3) to direct the Secretary of Transportation
5 and the Federal Highway Administration to con-
6 tinue working with the parties which comprise the
7 Woodrow Wilson Memorial Bridge Coordination
8 Committee to complete all environmental studies and
9 documentation, planning, and preliminary engineer-
10 ing and design efforts, and related work, and to re-
11 port back to Congress by October 1, 1996, on the
12 selected alternative, implementation schedule, project
13 costs, and a recommended Federal share for the
14 project.

15 **SEC. 4. DEFINITIONS.**

16 In this Act, the following definitions apply:

17 (1) **AUTHORITY.**—The term “Authority” means
18 a non-Federal entity or entities to be designated by
19 an interstate compact between Capital Region juris-
20 dictions.

21 (2) **BOARD.**—The term “Board” means the
22 board of directors of the Authority established under
23 section 6.

1 (3) BRIDGE.—The term “Bridge” means the
2 Woodrow Wilson Memorial Bridge across the Poto-
3 mac River.

4 (4) CAPITAL REGION JURISDICTIONS.—The
5 term “Capital Region jurisdictions” means—

6 (A) the Commonwealth of Virginia;

7 (B) the State of Maryland; and

8 (C) the District of Columbia.

9 (5) INTERSTATE SYSTEM.—The term “Inter-
10 state System” means the Dwight D. Eisenhower Na-
11 tional System of Interstate and Defense Highways
12 designated under section 103(e) of title 23, United
13 States Code.

14 (6) PROJECT.—The term “Project” means the
15 upgrading of the Interstate Route 95 Potomac River
16 crossing, consistent with the selected alternative to
17 be determined by the Woodrow Wilson Bridge Co-
18 ordination Committee as provided under section 8,
19 possibly including—

20 (A) the rehabilitation or reconstruction of
21 the Bridge;

22 (B) the construction of a new bridge or
23 tunnel in the vicinity of the Bridge, including
24 any work necessary to provide rights-of-way for
25 a rail or bus transit facility, bus, or high occu-

1 pancy vehicle lanes, and work on Interstate
2 Route 95 or other roadways connected to the
3 Bridge and new bridge or tunnel and ap-
4 proaches thereto at a distance no greater than
5 5 miles from the Potomac River; or

6 (C) any building, improvement, addition,
7 extension, replacement, appurtenance, land, in-
8 terest in land, water right, air right, franchise,
9 machinery, equipment, furnishing, landscaping,
10 easement, utility, approach, roadway, or other
11 facility necessary or desirable in connection
12 with or incidental to a facility described in sub-
13 paragraph (A) or (B).

14 (7) SECRETARY.—The term “Secretary” means
15 the Secretary of Transportation.

16 (8) SIGNATORY.—The term “Signatory” means
17 any political jurisdiction that enters into the com-
18 pact that designates the Authority.

19 **SEC. 5. ESTABLISHMENT OF AUTHORITY.**

20 (a) CONSENT TO AGREEMENT.—Congress grants
21 consent to the Commonwealth of Virginia, the State of
22 Maryland, and the District of Columbia to enter into an
23 interstate agreement or compact to establish the Authority
24 and to designate the governance, powers, and duties of
25 the Authority.

1 (b) ESTABLISHMENT OF AUTHORITY.—

2 (1) IN GENERAL.—On execution of the inter-
3 state agreement or compact described in subsection
4 (a), and an agreement between the Secretary and
5 the Signatories as to the Federal share of the cost
6 of the Project and the terms and conditions related
7 to the timing of the transfer of the Bridge to the
8 Authority as provided in section 7(c), the Authority
9 shall be considered to be established.

10 (2) GENERAL POWERS.—The Authority shall be
11 a body corporate and politic, independent of all other
12 bodies and jurisdictions, having the powers and ju-
13 risdiction described in this Act and such additional
14 powers as are conferred on the Authority by the
15 Capital Region jurisdictions, to the extent that the
16 additional powers are consistent with this Act.

17 (c) PURPOSES OF AUTHORITY.—The Authority shall
18 be established—

19 (1) to assume ownership of the Bridge; and

20 (2) to undertake the Project.

21 **SEC. 6. GOVERNMENT OF AUTHORITY.**

22 (a) IN GENERAL.—The Authority shall be governed
23 in accordance with this section and with the terms of any
24 interstate agreement or compact relating to the Authority
25 that is consistent with this Act.

1 (b) BOARD.—The Authority shall be governed by a
2 board of directors consisting of not more than 12 members
3 appointed by the Capital Region jurisdictions and 1 mem-
4 ber appointed by the Secretary.

5 (c) QUALIFICATIONS.—At least 2 members of the
6 Board shall be elected officials who represent the jurisdic-
7 tions at each end of the Bridge crossing.

8 (d) FAILURE TO APPOINT.—The failure of a Capital
9 Region jurisdiction to appoint 1 or more members of the
10 Board shall not impair the establishment of the Authority
11 if the condition of the establishment described in section
12 5(b)(1) has been met.

13 (e) PERSONAL LIABILITY OF MEMBERS.—A member
14 of the Board, including any nonvoting member, shall not
15 be personally liable for—

16 (1) any action taken in the capacity of the
17 member as a member of the Board; or

18 (2) any note, bond, or other financial obligation
19 of the Authority.

20 (f) RESIDENCY REQUIREMENT.—A member of the
21 Board shall reside within a Capital Region jurisdiction.

22 **SEC. 7. OWNERSHIP OF BRIDGE.**

23 (a) CONVEYANCE BY SECRETARY.—

24 (1) IN GENERAL.—After the Signatories enter
25 into the agreement described in subsection (c), the

1 Secretary shall convey all right, title, and interest of
2 the Department of Transportation in and to the
3 Bridge to the Authority. Except as provided in para-
4 graph (2), upon conveyance by the Secretary, the
5 Authority shall accept the right, title, and interest in
6 and to the Bridge, and all duties and responsibilities
7 associated with the Bridge.

8 (2) INTERIM RESPONSIBILITIES.—Until such
9 time as the Project is constructed and operational,
10 the conveyance under paragraph (1) shall in no
11 way—

12 (A) relieve the Capital Region jurisdictions
13 of the sole and exclusive responsibility to main-
14 tain and operate the Bridge; or

15 (B) relieve the Secretary of the responsibil-
16 ity to rehabilitate the Bridge or to comply with
17 the National Environmental Policy Act of 1969
18 (42 U.S.C. 4321 et seq.) and all other require-
19 ments applicable with respect to the Bridge.

20 (b) CONVEYANCE BY THE SECRETARY OF THE INTE-
21 RIOR.—At the same time as the conveyance of the Bridge
22 by the Secretary under subsection (a), the Secretary of
23 the Interior shall transfer to the Authority all right, title,
24 and interest of the Department of the Interior in and to
25 such land under or adjacent to the Bridge as is necessary

1 to carry out the Project. Upon conveyance by the Sec-
2 retary of the Interior, the Authority shall accept the right,
3 title, and interest in and to the land.

4 (c) AGREEMENT.—The agreement referred to in sub-
5 section (a) is an agreement between the Secretary and the
6 Signatories as to the Federal share of the cost of the ac-
7 tivities carried out as part of the Project.

8 **SEC. 8. PROJECT PLANNING.**

9 The Secretary and the Administrator of the Federal
10 Highway Administration shall—

11 (1) continue working with the parties which
12 comprise the Woodrow Wilson Memorial Bridge Co-
13 ordination Committee (established and chaired by
14 the Federal Highway Administration and comprised
15 of representatives of Federal, State, and local gov-
16 ernments) or with the Authority consistent with its
17 mission pursuant to the interstate agreement or
18 compact referred to in section 5 to complete, at the
19 earliest possible date, environmental studies and doc-
20 umentation, planning, preliminary engineering ef-
21 forts and related work, consistent with the provi-
22 sions of the National Environmental Policy Act of
23 1969 (42 U.S.C. 4321 et seq.) and other applicable
24 Federal laws;

1 (2) on or before October 1, 1996, transmit to
2 Congress a report on—

3 (A) the selected alternative, implementa-
4 tion schedule, and costs of the Project; and

5 (B) a recommended Federal share of the
6 cost of the Project.

7 In making a recommendation as to the Federal share
8 under paragraph (2)(B), the Secretary, at a minimum,
9 shall provide for a 100 percent Federal share with respect
10 to the cost of the continuing rehabilitation of the Bridge
11 prior to the completion of the Project and shall provide
12 for a 100 percent Federal share with respect to the cost
13 of planning, preliminary engineering, environmental stud-
14 ies and documentation, and final engineering for the
15 Project.

16 **SEC. 9. ADDITIONAL POWERS AND RESPONSIBILITIES OF**
17 **AUTHORITY.**

18 In addition to the powers and responsibilities of the
19 Authority under the other provisions of this Act and under
20 any interstate agreement or compact relating to the Au-
21 thority that is consistent with this Act, the Authority shall
22 have all powers necessary and appropriate to carry out
23 the duties of the Authority, including the power—

24 (1) to adopt and amend any bylaw that is nec-
25 essary for the regulation of the affairs of the Au-

1 thority and the conduct of the business of the Au-
2 thority;

3 (2) to adopt and amend any regulation that is
4 necessary to carry out the powers of the Authority;

5 (3) subject to section 7(a)(2), to plan, establish,
6 finance, operate, develop, construct, enlarge, main-
7 tain, equip, or protect the facilities of the Project;

8 (4) to employ, in the discretion of the Author-
9 ity, a consulting engineer, attorney, accountant, con-
10 struction or financial expert, superintendent, or
11 manager, or such other employee or agent as is nec-
12 essary, and to fix the compensation and benefits of
13 the employee or agent, except that—

14 (A) an employee of the Authority shall not
15 engage in an activity described in section
16 7116(b)(7) of title 5, United States Code, with
17 respect to the Authority; and

18 (B) an employment agreement entered into
19 by the Authority shall contain an explicit prohi-
20 bition against an activity described in subpara-
21 graph (A) with respect to the Authority by an
22 employee covered by the agreement;

23 (5) to—

24 (A) acquire personal and real property (in-
25 cluding land lying under water and riparian

1 rights), or any easement or other interest in
2 real property, by purchase, lease, gift, transfer,
3 or exchange; and

4 (B) exercise such powers of eminent do-
5 main in the Capital Region jurisdictions as are
6 conferred on the Authority by the Signatories,
7 in the exercise of the powers and the perform-
8 ance of the duties of the Authority;

9 (6) to apply for and accept any property, mate-
10 rial, service, payment, appropriation, grant, gift,
11 loan, advance, or other fund that is transferred or
12 made available to the Authority by the Federal Gov-
13 ernment or by any other public or private entity or
14 individual;

15 (7) to borrow money on a short-term basis and
16 issue notes of the Authority for the borrowing pay-
17 able on such terms and conditions as the Board con-
18 siders advisable, and to issue bonds in the discretion
19 of the Authority for any purpose consistent with this
20 Act, which notes and bonds—

21 (A) shall not constitute a debt of the Unit-
22 ed States, a Capital Region jurisdiction, or any
23 political subdivision of the United States or a
24 Capital Region jurisdiction;

1 (B) may be secured solely by the general
2 revenues of the Authority, or solely by the in-
3 come and revenues of the Bridge or a new
4 crossing of the Potomac River constructed as
5 part of the Project; and

6 (C) shall be exempt as to principal and in-
7 terest from all taxation (except estate and gift
8 taxes) by the United States;

9 (8) to fix, revise, charge, and collect any rea-
10 sonable toll or other charge;

11 (9) to enter into any contract or agreement nec-
12 essary or appropriate to the performance of the du-
13 ties of the Authority or the proper operation of the
14 Bridge or a new crossing of the Potomac River con-
15 structed as part of the Project;

16 (10) to make any payment necessary to reim-
17 burse a local political subdivision having jurisdiction
18 over an area where the Bridge or a new crossing of
19 the Potomac River is situated for any extraordinary
20 law enforcement cost incurred by the subdivision in
21 connection with the Authority facility;

22 (11) to enter into partnerships or grant conces-
23 sions between the public and private sectors for the
24 purpose of—

1 (A) financing, constructing, maintaining,
2 improving, or operating the Bridge or a new
3 crossing of the Potomac River constructed as
4 part of the Project; or

5 (B) fostering development of a new trans-
6 portation technology;

7 (12) to obtain any necessary Federal authoriza-
8 tion, permit, or approval for the construction, repair,
9 maintenance, or operation of the Bridge or a new
10 crossing of the Potomac River constructed as part of
11 the Project;

12 (13) to adopt an official seal and alter the seal,
13 as the Board considers appropriate;

14 (14) to appoint 1 or more advisory committees;

15 (15) to sue and be sued in the name of the Au-
16 thority; and

17 (16) to carry out any activity necessary or ap-
18 propriate to the exercise of the powers or perform-
19 ance of the duties of the Authority under this Act
20 and under any interstate agreement or compact re-
21 lating to the Authority that is consistent with this
22 Act, if the activity is coordinated and consistent with
23 the transportation planning process implemented by
24 the metropolitan planning organization for the
25 Washington, District of Columbia, metropolitan area

1 under section 134 of title 23, United States Code,
2 and section 5303 of title 49, United States Code.

3 **SEC. 10. FUNDING.**

4 (a) SET-ASIDE.—Section 104 of title 23, United
5 States Code, is amended—

6 (1) in the first sentence of subsection (b), by
7 striking “subsection (f) of this section” and insert-
8 ing “subsections (f) and (h) of this section”;

9 (2) by redesignating subsection (h) as sub-
10 section (i); and

11 (3) by inserting before subsection (i), as redes-
12 igned by paragraph (2) of this subsection, the fol-
13 lowing:

14 “(h) WOODROW WILSON MEMORIAL BRIDGE.—

15 “(1) SET-ASIDE.—Before making an apportion-
16 ment of funds under subsection (b), the Secretary
17 shall set aside \$17,550,000 for fiscal year 1996 and
18 \$80,050,000 for fiscal year 1997 for the rehabilita-
19 tion of the Woodrow Wilson Memorial Bridge and
20 for the planning, preliminary design, engineering,
21 and acquisition of a right-of-way for, and construc-
22 tion of, a new crossing of the Potomac River as part
23 of the Project, as such term is defined by section 4
24 of the Woodrow Wilson Memorial Bridge Act of
25 1995.

1 “(2) FEDERAL SHARE; NONAPPLICABILITY OF
2 OBLIGATION LIMITATIONS.—The Federal share of
3 the cost of any project funded with amounts set
4 aside under paragraph (1) shall be 100 percent.
5 Such amounts shall not be subject to any obligation
6 limitation.”.

7 (b) DISTRIBUTION OF OBLIGATION AUTHORITY.—
8 Section 1002(e)(3) of the Intermodal Surface Transpor-
9 tation Efficiency Act of 1991 (Public Law 102–240; 23
10 U.S.C. 104 note) is amended by inserting before the pe-
11 riod at the end the following: “and section 104(h) of title
12 23, United States Code”.

13 (c) REMOVAL OF ISTEA AUTHORIZATION FOR
14 BRIDGE REHABILITATION.—Section 1069(i) of the Inter-
15 modal Surface Transportation Efficiency Act of 1991
16 (Public Law 102–240; 105 Stat. 2009) is repealed.

17 **SEC. 11. AVAILABILITY OF PRIOR AUTHORIZATIONS.**

18 In addition to the funds made available under section
19 104(h) of title 23, United States Code, any funds made
20 available before the date of the enactment of this Act for
21 the rehabilitation of the Bridge under sections 1069(i) and
22 1103(b) of the Intermodal Surface Transportation Effi-
23 ciency Act of 1991 (Public Law 102–240; 105 Stat. 2009
24 and 2028) (as in effect prior to the amendment made by
25 section 10(d)) shall continue to be available after the con-

1 veyance of the Bridge to the Authority under section 7(a),
2 in accordance with the terms under which the funds were
3 made available under such sections 1069(i) and 1103(b).

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